



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj

Docket No: 7952-99

27 June 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1920 Ser 834/298 of 8 May 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1920
Ser 834/298
8 May 00

MEMORANDUM FOR BOARD FOR CORRECTION OF NAVAL RECORD

Subj: [REDACTED]

Ref: (a) DD Form 149 dated 15 Dec 99

Encl: (1) CHNAVPERS 1920 Ser 8222/154 of 30 Jan 92/ASST
SECNAV ltr of 07 Feb 92

1. In response to reference (a), the following information is provided:

a. On 16 July 1991, former M [REDACTED] was placed on an interim leave of absence for failing to complete the physics requirement for the NROTC scholarship.

b. On 17 September 1991, a Review Board was convened for former M [REDACTED] based on a poor academic history, poor class ranking, and marginal to substandard professional performance. That board recommended he be placed on academic warning and aptitude probation for the fall 1991 semester.

c. On 27 November 1991, an Aptitude Review Board was convened on former [REDACTED]. Board findings indicate he was suspended from Villanova University for displaying a pellet gun that had the appearance of a .357 handgun as a result of a disagreement with four other students. He received a 1.50 aptitude grade that violated his aptitude probation from his previous board. The Board members recommended separation.

d. In his NROTC Scholarship Service Agreement signed 29 August 1989, and prior to beginning his sophomore year, he acknowledged the obligation of active enlisted service or tuition payback if he failed to complete educational requirements.

e. In a disenrollment report signed 20 December 1991, former Midshipman [REDACTED] requests to be disenrolled from the NROTC program and specifically, the recoupment option vice active enlisted service as incurred by receiving advanced education assistance.

Subj: FORMER MIDSHIPMAN PAUL S. LINDSAY, USNR, 124-48-1039

f. The Commanding Officer and the Chief of Naval Education and Training, recommend Former Midshipman [REDACTED] reimburse the Government \$25,635.00 in lieu of active enlisted service, for cost of his education.

g. Former Midshipman [REDACTED] was disenrolled from the Navy ROTC program for inaptitude reasons effective 7 February 1992 (enclosure (1)).

2. After reviewing the disenrollment package, The Assistant Secretary of the Navy (Manpower and Reserve Affairs) approved the disenrollment request on former Midshipman [REDACTED] and directed him to reimburse the government \$25,635.00 for the cost his education.

3. A review of records indicates former Midshipman [REDACTED] was disenrolled for inaptitude and not recommended for any future Naval service. There is no documentation indicating that former Midshipman [REDACTED] considered this a case of racial injustice.

4. There has been no new information presented to change the previous recommendation concerning his case.

[REDACTED]
Lieutenant Commander, USN
Head, Officer Performance Branch